

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 16th day of February, 2009 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: K. M. Hubert, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines, Asst. Police Chief/Harbormaster
Don Brummett, Acting Public Works Director
Frank Truitt, City Inspector
Rickie Kilgore, Fire Chief

OTHERS PRESENT: John Irvin, Ralph & Lu Arcemont, Phil & Nell Reynolds, James Hale, Jeanie Brummett, Jim & Alpha Covington, Tom Hargrave, Ellie Block, Billie Pantle, Rick Johnson, Joe Myer, Paul & JoAnn Biek, Gloria & Jimmy Peer, Jane E. Doss, Joe Adams, Rosemary Vega/Chamber of Commerce, Jeanne Hunter, Judy & Dan Vlasek, Dorothy & Gary McAbee

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on February 16, 2009.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSIDER AND ACT ON APPROVING THE MINUTES OF FEBRUARY 2, 2009.

Council Member Mayer made the motion to approve the minutes of February 2, 2009. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDER AND ACT ON PRESENTATION TO COLDWELL BANKER MYERS-GALLAGHER.

Mayor Knight presented Joe Myer of Coldwell Banker Myers-Gallagher Realtors a large painting by Christi Mathews of Mathews Gallery & Studios. The presentation was made to thank Myers-Gallagher Realtors for their generous loan of an office suite to the Harbor Project Manager.

Mr. Myers thanked the Mayor and Council.

ITEM 5. CONSIDER AND ACT ON PRESENTATION REGARDING FINAL ARRANGEMENTS FOR MASONIC LODGE NO. 1018 CORNERSTONE CEREMONY FOR THE CIVIC CENTER.

John Irvin, Masonic Lodge No. 1018 in Aransas Pass, stated the Grand Master of the Masonic Lodge would like to have the cornerstone ceremony at 10:30 a.m. on March 26 (2009) after their Lodge meeting. He stated the local television stations had been notified of the ceremony. He stated refreshments would be served at the Masonic Lodge after the ceremony.

Mr. Irvin stated Mr. Harrison, who was making the cornerstone, requested that the City use their contractor to mount the cornerstone and the Masonic Lodge would reimburse the City for the cost.

ITEM 6. CONSIDER AND ACT ON THE REQUEST OF RICHARD GONZALES, PROJECT COORDINATOR FOR THE GULF OF MEXICO FOUNDATION'S SCIENCE & SPANISH CLUB NETWORK, FOR FUNDING SUPPORT OF \$400.00 FOR THE 4TH ANNUAL REDFISH BAY TRASH PARADE AND COASTAL CLEANUP TO BE HELD FEBRUARY 21, 2009.

Mr. Gonzales gave the history of the "trash parade" and the plans for future clean up projects. He stated State law required 1/7 of the Hotel/Motel Tax proceeds, in certain coastal communities of which Aransas Pass was one, be spent on beach maintenance and upkeep. He stated that should open more dialogue with City staff and City Council so a more deliberate plan could be put together on the maintenance and upkeep of beach areas.

Mr. Gonzales stated the requested \$400.00 would be used to feed the cleanup volunteers. He stated volunteers from Oxichem and students from Aransas Pass High School and A.C. Blunt Middle School, Port Aransas, Ingleside, Corpus Christi and Sinton were participating for the eighth year in a row, partnered with the Coastal Bend Bays Foundation of Corpus Christi.

Mayor Knight asked the City Attorney could the \$400.00 come out of Hotel/Motel Tax?

City Attorney Allen Lawrence stated yes, but Mr. Gonzales' organization would be required to submit their budget and other requirements.

Mr. Gonzales stated their organization was grant driven so he knew the requirements.

Council Member Abrego asked did Mr. Gonzales have to submit the required paperwork before he could receive the funding?

The City Attorney stated yes.

Mr. Gonzales stated he could email the budget.

Mayor Knight asked the City Manager if the funding could come out of the General Fund?

The City Manager stated yes.

Mayor Knight stated the funding would come out of the General Fund.

Mayor Pro Tempore Attaway made the motion to approve the request for funding support of \$400.00 for the 4th Annual Redfish Bay Trash Parade and Coastal Cleanup. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 7. CONSIDER AND ACT ON INCLUDING INDUSTRIAL SEWAGE HAULING RATES, DELINQUENT UTILITY BILL PAYMENTS AND RECONNECT FEES IN THE UTILITY RATE SCHEDULE.

Council Member Mayer and Mayor Knight stated they did not agree with the check-meter fee of \$25.00.

The City Manager stated this was not just to check water usage, but to pull the meter for an accuracy test. She stated the \$25.00 would be refunded if the meter was inaccurate.

Mayor Pro Tempore Attaway questioned the industrial sewage dumping fee. He asked why was there a 20 cent increase (per thousand gallons)?

Ms. Roddel explained the cost of chemicals and the rates the City must pay for disposing of raw sewage were higher and the City needed to recoup costs and start making a profit.

Mayor Pro Tempore Attaway stated the fee was \$40.00 in Rockport. He stated the second part (of the revised schedule) was treated nonhazardous sewage that would be charge at a base rate of \$355.00 plus \$5.25 per 1,000 gallons thereafter. He asked what did that mean?

Ms. Roddel stated that was a special rate for Gulf Marine, the base rate would stay the same and the "1,000 gallons thereafter" rate of \$4.27 would increase to \$5.25.

Discussion regarding the rates and charges was held.

Mayor Pro Tempore Attaway made the motion to table the item until the next City Council meeting, pending investigation results on the pricing. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 8. CONSIDER AND ACT ON SETTING A DATE FOR A WORKSHOP REGARDING ANNEXATION.

Council Member Mayer made the motion to set February 23 (2009), 7:00 p.m. for a workshop regarding annexation. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 9. CONSIDER AND ACT ON:

- (A) Calling and Approving Order of the Special Election for the City of Aransas Pass for:
The creation of the City of Aransas Pass Crime Control and Prevention District dedicated to crime reduction programs and the adoption of a proposed Local Sales and Use tax at a rate of .005.

- (A) *Considere y actúe sobre:
La creación de la Ciudad de Control de Crimen de Aransas Pass Distrito de Prevención dedicó a programas de reducción de crimen y la adopción de un impuesto Local propuesto de Ventas y Uso a razón de .005.*

Council Member Mayer made the motion to call and approve the Order of the Special Election for the City of Aransas Pass for the creation of the City of Aransas Pass Crime Control and Prevention District dedicated to crime reduction programs and the adoption of a proposed Local Sales and Use tax at a rate of .005. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

El Miembro del Concilio, Mayer hizo el movimiento para llamar y aprobar la Orden de la Elección Especial para la de Aransas Pass para la creación de la Ciudad de Control de Crimen de Aransas Pass y Distrito de Prevención dedicados a programas de reducción de crimen y la adopción de un impuesto local propuesto de Ventas y Uso a razón de .005. El Alcalde Temporario Attaway apoyó el movimiento y el movimiento llevó unánimemente.

- (B) Approving Notice of Special Election for May 9, 2009.

- (B) *Aprobando Nota de Elección Especial para el 9 de Mayo de 2009.*

Mayor Pro Tempore Attaway made the motion to approve Notice of Special Election for May 9, 2009. Council Member Hametner seconded the motion and the motion carried unanimously.

El Alcalde Temporario Profesional Attaway hizo el movimiento para aprobar Nota de Elección Especial para el 9 de Mayo de 2009. El Miembro del Concilio Hametner apoyó el movimiento y el movimiento llevó unánimemente.

- (C) Ordinance 2009 – 3955 - an Ordinance of the City of Aransas Pass, Texas Providing date and time of the 2009 City Special Election to be conducted by the San Patricio County Election Administration Office; for Early Votes cast on Direct Recording Electronic (DRE) Voting System and by paper ballot, Providing Place and Precinct Number where Election is to be held, Providing the rate of pay per hour for Judges and Clerks, and Providing date and time of Early Voting.

- (C) *Ordenanza 2009 – 3955 - Ordenanza an de la Aransas Pass, Texas, que Proporciona la fecha y el tiempo de la 2009 Elección Especial de la Ciudad para ser realizado por la San Oficina de la Administración de Elección de Condado de Patricio; para Votos Tempranos lanzó a Dirigir que Registra Electrónico (DRE) Votando Sistema y por votación de papel, Proporcionando Lugar y Zona Número donde Elección es de ser tenido, Demostrando el sueldo por hora para Jueces y Empleados, Y Proporcionar la fecha y el tiempo de Votar Temprano.*

Mayor Pro Tempore Attaway made the motion to approve Ordinance 2009 – 3955 - an Ordinance of the City of Aransas Pass, Texas Providing date and time of the 2009 City Special Election to be conducted by the San Patricio County Election Administration Office; for Early Votes cast on Direct Recording Electronic (DRE) Voting System and by paper ballot, Providing Place and Precinct Number where Election is to be held, Providing the rate of pay per hour for Judges and Clerks, and Providing date and time of Early Voting. Council Member Hametner seconded the motion and the motion carried unanimously.

El alcalde que Profesional Attaway Temporario hizo el movimiento para aprobar Ordenanza 2009 – 3955 – Ordenanza de Aransas Pass, Texas, que suministra la fecha y la hora de la 2009 Elección Especial de la Ciudad para ser realizado por la Oficina de

Administración de Elección del Condado de San Patricio; para el lanzó de Votos Tempranos, en cuanto a Registro Directo Electrónico (DRE) Sistema de Votar y por balota de papel; suministrando el lugar y número de recinto donde la Elección a de ser tenido; suministrando el sueldo por hora para Jueces y Oficinistas, y suministrando la fecha y la hora de la Votación Temprana. El Miembro del Concilio Hametner apoyó el movimiento y el movimiento llevó unánimemente.

ITEM 10. CITIZENS' COMMENTS

Jennifer Thomas discussed using tax revenue to prevent (illegal) trash dumping. She discussed the charges and fees for renting the Civic Center which she considered too high.

Ralph Arcemont stated he had taken pictures of illegal trash dumping, turned the pictures over to the Police and Inspection Departments. He stated both departments had responded well to the evidence.

ITEM 11. CONSIDER AND ACT ON RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session at 7:30 p.m.

A. Section 551.072 Deliberations regarding Real Property

1. Cooper/CHIP Investments

ITEM 12. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Regular Session at 8:57 p.m.

A. Section 551.072 Deliberations regarding Real Property

1. Cooper/CHIP Investments

Mayor Knight stated the City Manager would continue negotiations with Cooper/CHIP Investments.

ITEM 13. ADJOURNMENT OF MEETING.

Council Member Mayer made the motion to adjourn the meeting. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:59 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary